

REMARKS

Claims 1 and 25-49 are now pending. Claims 2-24 have been withdrawn from the consideration. No claims stand allowed. Claims 1, 35, 37-43, and 45-49 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Claims 25-34, 36, and 44 remain unchanged from the previous Amendment, but their meaning is changed because they depend from amended claims 1, 35, and 43, respectively. No "new matter" has been added by the amendment.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 38 and 42 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter the Applicants regard as their invention.¹ The Examiner specifically alleges in the Office Action that claims 38 and 42 depend from cancelled claims.² With this Amendment, claims 38 and 42 have been amended to depend from pending claims 37 and 41, respectfully.

In view of the foregoing, withdrawal of the 35 U.S.C. § 112, second paragraph, rejection is respectfully requested.

The 35 U.S.C. § 103 Rejection

Claims 1 and 25-49 stand rejected under 35 U.S.C. § 103(a) as being allegedly

¹ Office Action dated March 14, 2003, ¶ 2.

² Office Action ¶ 3.

unpatentable over Admitted Prior Art, background of application (APA) in view of de Jong^{3, 4}. This rejection is respectfully traversed.

According to the M.P.E.P.,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁵

Claim 37 as amended recites:

A method of permitting access to information on a small footprint device from a first program module to a second program module separated by a context barrier, comprising:
creating a context in said small footprint device, said context having access to all program modules without context barrier constraints, said program modules configured to operate on said small footprint device.

The Examiner states:

The APA teaches a method of permitting access to information on a small footprint device from a first program module to a second program module (*information can be retrieved from a smart card using a card acceptance device*) separated by a context barrier (standards for permitting separate execution contexts to operate on a smart card). The APA does not explicitly disclose the additional limitations below.

De Jong (p12 51-55) teaches a data exchange system for smart cards comprising a step of creating a context (interaction context) having access to all program modules without context barrier constraints (open any of the other applications).

³ USP 5,802,519.

⁴ Office Action ¶ 5.

⁵ MPEP § 2143.

It would have been obvious to combine De Jong's teachings with the APA because the context mechanism defined by De Jong (p6 23-25) "leads to a wider range of smart card use" and, thus provides more features/services for users.⁶

The examiner refers to a mechanism by which a module *external* to a resource constrained device (smart card) can access another module internal to the resource constrained device. A first module in a first device (a card acceptance device) is able to access a second module in a second device (the smart card). Whereas embodiments of the present invention feature a context *in a small footprint device*, where the context has access without context barrier constraints to all program modules configured to *operate on the small footprint device*. Claim 37 has been amended to make this distinction more clear. Accordingly, it is respectfully requested that the 35 U.S.C. §103 rejection of claim 37 be withdrawn.

Independent Claims 1, 35, 39-41, 43, and 45-49

With this Amendment, independent claims 1, 35, 39-41, 43, and 45-49 have been amended to include limitations similar to claim 37. Claim 37 being allowable, claims 1, 35, 39-41, 43, and 45-49 must also be allowable.

Dependent Claims 25-34, 36, 38, 42, and 44

Claims 25-34, 36, 38, 42, and 44 depend from claims 1, 35, 37, 41, and 43, respectively. The base claims being allowable, the dependent claims must also be allowable. Accordingly, it is respectfully requested that the 35 U.S.C. §103 rejection of claims 25-34, 36, 38, 42, and 44 be withdrawn.

⁶ Office Action ¶ 6. (emphasis added)

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance of all of the pending claims. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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